REMARKS

I. Introduction

Applicant have amended the pending independent claims so as to further clarify the intended subject matter of the present disclosure, and further distinguish the recited subject matter over the cited prior art reference. No new matter has been added.

For at least the reasons set forth below, Applicant respectfully submits that the pending claims are clearly not anticipated by the cited prior art reference.

II. Prior Art Rejections

Claims 1-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by USP No. 6,018,768 to Ullman. For at least the following reasons, it is clear that Ullman does not anticipate the pending claims.

The present disclosure relates to a method and a system for allowing the presentation of web content associated with a channel currently displayed on a first display device (*e.g.*, a television) to be presented on an auxiliary device. In accordance with the present disclosure, data associated with the ***currently tuned channel*** is provided to the auxiliary display by a set-top box (STB). ***Utilizing the current tuned channel information*** *provided by the STB,* ***the auxiliary display device determines a particular uniform resource locator (URL) associated with the current tuned channel information****; and displays the web content associated with the URL associated with the current tuned channel on the display of the auxiliary display device.*

Thus, in accordance with each of the pending independent claims, the STB provides current tuned channel information to the auxiliary device, and then the auxiliary device, ***utilizing the current tuned channel information provided by the STB***, determines a URL associated with

the current tuned channel information and displays the associated web page on the auxiliary device.

Turning to the cited prior art and the pending rejection, it is summarily concluded that Ullman discloses the foregoing steps recited by each of the independent claims. Further, in the Advisory Action dated January 28, 2009 it is asserted that Ullman inherently "includes channel information associated with a given program in order to correlate the URL to a specific program". This conclusion is wholly in error, as there is simply no basis to support this conclusion. As Ullman makes clear, the URL it provides to the auxiliary device are associated with the time of broadcast for a particular program. Thus, channel information is not necessarily "inherently" provided. It is clear that the time and name of the program would be sufficient, and therefore channel information need not be provided.

In addition, as described further below, in each of the embodiments of Ullman, the URL to be displayed is provided to the auxiliary device. Thus, Ullman does not disclose or suggest any auxiliary device that determines a URL, much less one that determines a URL based on current tuned channel information as recited by the pending claims.

More specifically, nowhere does Ullman disclose utilizing a STB box to provide current tuned channel information to an auxiliary device, and have the auxiliary device determine a URL associated with the current tuned channel information utilizing the current tuned channel information provided by the STB. In fact, contrary to the conclusion set forth in the rejection, Ullman discloses practicing the precise method the present disclosure intends to avoid, i.e., putting the website information (*e.g.*, URL address) directly into the video signal associated with the program provided to the television. Specifically, Ullman discloses that the given system requires that the "[w]eb pages be sent in the vertical blanking interval (VBI) of the video signal"

(*see*, Ullman, col. 3, lines 7-11). Thus, the auxiliary device receives the URL directly from a source and does not disclose determining anything based on current tuned channel information.

Furthermore, with regard to col. 3, lines 44-59 and col. 6, lines 44-48 of Ullman which discusses an alternative embodiment of Ullman in which the URLs are transmitted to users at a predetermined schedule which corresponds to the predetermined broadcasts. In this embodiment, the broadcaster will send out URLs to the users at predetermined times (e.g., daily, weekly, monthly, yearly) which correspond to the time the programs provided by the broadcaster are made available to the user. As noted by Ullman, a Link file is provided to the user via the Internet and the file contains the **time codes, URL addresses and titles** of the various programs for each Webpage the broadcaster wishes to associate with a given program. So once again, the auxiliary device receives the URL directly from a source and does not disclose determining anything based on the received current tuned channel information.

Thus, at a minimum, it is clear that does not Ullman disclose or suggest a device in which the STB provides current tuned channel information to the auxiliary device, and in which the auxiliary device, utilizing the current tuned channel information provided by the STB, determines a URL associated with the current tuned channel information and displays the associated web page on the auxiliary device.

Accordingly, as is well known, anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *IPXL Holdings, L.L.C. v. Amazon.com, Inc.*, 430 F.3rd 1377, 1380 (Fed. Cir. June 2006). As Ullman fails to disclose or suggest at least the foregoing elements, it is clear that Ullman does not anticipate claim 7. Moreover, as claims 1, 14 and 21 recite similar elements, it is respectfully submitted that Ullman also fails to anticipate claims 1, 14 and 21.

Applicant also notes again that the pending Office Action summarily rejects all pending claims without any specific reference to those portions of the cited references considered to read on each claim feature. Applicant would like to remind the Examiner that the "goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." *MPEP § 706.* Moreover, when "a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained ...." *37 C.F.R. 1.104(c)(2).* Applicant requests that any future rejections clearly articulate how the Examiner has applied the reference to each claim feature by referring specifically to those portions of the cited references thought to read on the claims.

III. Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.,* 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as independent claims 1, 7, 14 and 21 are patentable for at least the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable.

IV. Summary

Applicant submits that all of the claims are now in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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